THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 6901 OF 2000

Dated 2nd July, 2007

Between:

The Khammam District Co-op. Marketing
Society Limited, Khammam.

…Petitioner

And

Assistant Labour Officer, Khammam
Cr-II, Khammam District and others.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner has questioned the demand notice dated 10-4-2000 issued by the Assistant Labour Officer, Khammam demanding an amount of Rs. 1,41,005/- on account of arrears of gratuity payable to respondents 3 to 6 herein.

Respondents 3 to 6 herein are the ex-employees of the petitioner-society. They approached the Assistant Commissioner of Labour, Khammam claiming arrears on account of gratuity and he passed orders in Case No. 1 to 4 of 1997 in favour of respondents 3 to 6 for payment of an amount of Rs.1,41,005/- with interest at the rate of 12% per annum. The impugned demand notice is issued to recover the said amount.

However, it is categorically stated in the affidavit that after passing of the award, entire amount due to the respondents 3 to 6 on account of gratuity was paid.

At the stage of admission, this court granted interim order and the said order continued all along. In spite of service of notice, there is neither appearance nor representation on behalf of the respondents.

As much as it is stated that as per the records of the society, the amount of Rs.1,41,005/- was paid in different spells to respondents 3 to 6, and a representation was also made to that effect to the Assistant Labour Officer on 19.4.2000 after demand notice dated 10.4.2000 was served, I set aside the impugned demand notice.

The writ petition is allowed. No costs.

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2-7-2007

R.SUBHASH

REDDY, J.

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